

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT DIVISION
FORT WAYNE DIVISION

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U.S. DISTRICT COURT
FOR THE DISTRICT OF INDIANA

In Re: The Affidavit Of Support)
(Form I-864))
)
OLGA STUMP,)
Plaintiff,)
v.)
)
KENNETH STUMP,)
Defendant.)

CIVIL NO. 1: 04 CV 253 - TLS

Plaintiff, Olga Stump, sues defendant, Kenneth Stump, and alleges:

1. This is a civil action pursuant to 8 CFR Part 213a (62 FR 54346; 8 U.S.C. 1183) for financial support.
2. Personal jurisdiction of Defendant Kenneth Stump was granted "to any court of the United States...that... has subject matter jurisdiction of a civil lawsuit to enforce this affidavit of support." A copy of the Affidavit of Support is attached hereto as Exhibit A; and a copy of the relevant statute of the Immigration and Nationality Act Title II, 8 CFR Section 213 (the "Act"), is attached hereto as Exhibit B.
3. On or around April, 20, 2001, Defendant had prepared and signed certain immigration documents, including an Affidavit of Support (Form I-134) to obtain a fiancé visa to petition Plaintiff to come to the United States.
4. Plaintiff arrived in the United States under a fiancé visa in May 2002.
5. On or about May 20, 2002, Plaintiff and Defendant were married at the Allen County Court House.
6. On or about May 28, 2002, Defendant filed other pertinent immigration documents, including the Affidavit of Support (Form I-864).
7. On June 10, 2003 Plaintiff filed for divorce due to physical abuse, among other reasons.

8. On April 12, 2004, a Court Order was issued of the Allen Superior Court, Cause No. 02D07-0307-DR-356, terminating the \$40 per week spousal support provided for under the Provisional Orders of the Court.
9. On or about April, 17, 2003, and continuing to the present, Defendant has wrongfully and unlawfully withheld sufficient support as required under the Affidavit of Support (Form I-864) and Section 213a of the Act.
10. Beginning on or about February 4, 2004, and on various dates thereafter, Ms. Olga Stump, through her attorneys, requested Defendant, through his attorney, as a sponsor to her, to maintain support of Ms. Olga Stump, under the contractual obligation of the Affidavit of Support (Form I-864).
11. Defendant has repeatedly refused to comply with his obligations under the Affidavit of Support (Form I-864).
12. Plaintiff requires financial assistance.
13. As a result of Defendant's willful violation of the Affidavit of Support (Form I-864), Plaintiff has sustained and will continue to sustain great financial and emotional damages.
14. Defendant's breach of the Affidavit of Support constitutes a breach of contract with Plaintiff and has created an injustice that can be avoided by, among other things, enforcing the promises contained in the contract of the Affidavit of Support.
15. Plaintiff has been required to retain an attorney for the purpose of bringing this suit and is obligated to pay a reasonable fee for this attorney's services.

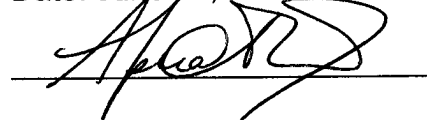
WHEREFORE, Plaintiff demands judgment against Defendant, granting the following relief:

- (1) An award of damages against defendant in the amount to be determined by the Court, including an award to support the Plaintiff 125% above the poverty line. See *Section 213a.2(c)(2)* of the Act; and the Affidavit of Support (Form I-864).
- (2) An order for specific performance to financially support the Plaintiff until the enforceability period of the Affidavit of Support has been terminated. See *Section 213a.2(c)(2)* of the Act; and the Affidavit of Support (Form I-864).

- (3) Damages for emotional distress, humiliation, and loss of dignity.
- (4) An award of costs and attorney's fees, as permitted under Part 7 "Collection of Judgment" of the Affidavit of Support (Form I-864).
- (5) Any other equitable or monetary relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED:

Date: June 29, 2004

A handwritten signature in black ink, appearing to read 'Apexa Patel', is written over a horizontal line.

Apexa Patel, Esq.
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Attorney for Plaintiff,

Olga Stump